

Lee J. Danforth, Esq. - SBN 73695
Richard S. Baum, Esq. - SBN 178760
CODDINGTON, HICKS & DANFORTH
A Professional Corporation, Lawyers
555 Twin Dolphin Drive, Suite 300
Redwood City, California 94065-2133
Tel. (650) 592-5400
Fax. (650) 592-5027

ATTORNEYS FOR Defendant
FARMERS INSURANCE EXCHANGE

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE CHANG, individually and as
Guardian ad Litem for ERIC SUN, disabled,

Case No.: C07-4005 EMC

Plaintiff,

vs.

NOTICE OF MOTION AND MOTION BY
DEFENDANT FARMERS INSURANCE
EXCHANGE TO DISMISS PURSUANT
TO F.R.C.P. 12(b)(6), OR, IN THE
ALTERNATIVE, MOTION FOR A MORE
DEFINITE STATEMENT [F.R.C.P. 12(e)]

ROCKRIDGE MANOR CONDOMINIUM,
ROCKRIDGE MANOR HOMEOWNERS
ASSOCIATION; ROCKRIDGE MANOR
BOARD OF DIRECTORS; ROCKRIDGE
MANOR PRESIDENT OF BOARD OF
DIRECTORS CHARLES BLAKENEY;
ROCKRIDGE MANOR MANAGER EVA
AMMANN; TRUCK INSURANCE
EXCHANGE; AND DOES 1-30, inclusive,

Date: January 16, 2008

Time: 10:30 a.m.

Dept.: Courtroom C

Judge: Magistrate Judge Edward M. Chen

JOINDER

UNIVERSITY OF CALIFORNIA BERKELEY;
UC BERKELEY CHANCELLOR ROBERT
BIRGENEAU; UC BERKELEY PUBLIC
RECORDS COORDINATOR ALAN
KOLLING; UC BERKELEY GENERAL
COUNSEL SUSAN VON SEEBURG; UC
BERKELEY POLICE DEPARTMENT CHIEF
VICTORIA HARRISON; UC BERKELEY
POLICE DEPARTMENT LIEUTENANT
ALAN TEJADA; UC BERKELEY POLICE
DEPARTMENT MANAGER TOM KLATT;
UC BERKELEY POLICE DEPARTMENT
DISPATCHER CONSTANCE PEPPERS
CELAYA; and DOES 31-60, inclusive,

JOINDER

PAMELA ZIMBA, ATTORNEY AT LAW;
ALBERT COOMBES, ATTORNEY AT LAW;
and DOES 61-90, inclusive,

Defendants.

1 TO PLAINTIFFS IN THE ABOVE-ENTITLED MATTER AND THEIR ATTORNEY(S) OF
2 RECORD:

3 PLEASE TAKE NOTICE that defendant Farmers Insurance Exchange ("Farmers"), sued
4 erroneously herein as Truck Insurance Exchange, hereby moves and will move the Court on the date,
5 time, and place set forth above, to dismiss plaintiffs' Complaint filed in this action pursuant to Federal
6 Rule of Civil Procedure 12(b)(6) on the following grounds:

7 1. Plaintiffs' federal civil rights claim fails to identify any cognizable interest under Section
8 1983 and the vague, conclusory allegations of Farmers' participation in civil rights violations are
9 insufficient to state a cause of action;

10 2. Plaintiffs' tort claims are all barred by the applicable statute of limitations;


11 3. Plaintiffs have failed to allege any facts that will give rise to a cause of action against
12 Farmers.

13 In the alternative, moving party moves this Court for an order requiring a more definite statement
14 as Farmers cannot be reasonably required to submit a responsive pleading to any of the causes of action
15 given the vague, ambiguous and incomprehensible language of the Complaint, pursuant to F.R.C.P.
16 12(e).

17 This motion is based on this notice and motion, the memorandum of points and authorities filed
18 herewith, the pleadings and papers filed herein, and on such other matters as may be brought to the
19 attention of the Court and the parties at or before the hearing on this motion.

20
21 Dated: December 5, 2007

CODDINGTON, HICKS & DANFORTH

22
23 By: 
24 Richard S. Baum
25 Attorneys for Defendant
26 Farmers Insurance Exchange
27
28

PROOF OF SERVICE
(C.C.P. §§ 1011, 1013, 1013a, 2015.5)

I, the undersigned, declare that I am employed in the County of San Mateo, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 555 Twin Dolphin Drive, Suite 300, Redwood City, California 94065.

I am readily familiar with my employer's business practice for collection and processing of correspondence and documents for mailing with the United States Postal Service, mailing via overnight delivery, transmission by facsimile machine, and delivery by hand.

On December 5, 2007, I served a copy of each of the documents listed below by placing said copies for processing as indicated herein.

NOTICE OF MOTION AND MOTION BY DEFENDANT FARMERS INSURANCE EXCHANGE TO DISMISS PURSUANT TO F.R.C.P. 12(b)(6), OR, IN THE ALTERNATIVE, MOTION FOR A MORE DEFINITE STATEMENT [F.R.C.P. 12(e)]

MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS PURSUANT TO F.R.C.P. 12(b)(6) OR, IN THE ALTERNATIVE, MOTION FOR A MORE DEFINITE STATEMENT [F.R.C.P. 12(e)]

X U.S. MAIL: The correspondence or documents were placed in sealed, labeled envelopes with postage thereon fully prepaid on the above date placed for collection and mailing at my place of business to be deposited with the U.S. Postal Service at Redwood City, California on this same date in the ordinary course of business.

— OVERNIGHT DELIVERY: The correspondence or documents were placed in sealed, labeled packaging for overnight delivery with all charges to be paid by my employer on the above date for collection and mailing at my place of business to be deposited in a facility regularly maintained by the overnight delivery carrier, or delivered to a courier or driver authorized by the overnight delivery carrier to receive such packages, on this date in the ordinary course of business.

— HAND DELIVERY: The correspondence or documents were placed in sealed, labeled envelopes and served by personal delivery to the party or attorney indicated herein, or if upon attorney, by leaving the labeled envelopes with a receptionist or other person having charge of the attorney's office.

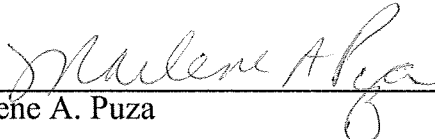
— FACSIMILE TRANSMISSION: The correspondence or documents were placed for transmission from (650) 592-5027 at Redwood City, California, and were transmitted to a facsimile machine maintained by the party or attorney to be served at the facsimile machine telephone number provided by said party or attorney, on this same date in the ordinary course of business. The transmission was reported as complete and without error, and a record of the transmission was properly issued by the transmitting facsimile machine.

///

1 PERSONS OR PARTIES SERVED:

2 Ms. Christine Chang
3 341 Tideway Drive, #214
4 Alameda, CA 94501
5 Telephone: (510) 769-8232

6 I certify (or declare) under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct and that this declaration was executed on December 5, 2007.

8
9 
10 Marlene A. Puza